

Meeting of 2005-10-25 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 25, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Presiding	Also Present: Larry Mitchell, City Manager John Vincent, City Attorney Traci Hushbeck, City Clerk COL Sonny Uberti, Fort Sill Liaison
---	---

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Mayor Purcell requested a moment of silence in memory of Chief Robert Gillian who passed away earlier in the week. Invocation was given by the Pastor Lloyd Grubbs, Trinity Assembly of God, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:	Bill Shoemate, Ward One
Rex Givens, Ward Two	Janice Drewry, Ward Three
	Keith Jackson, Ward Four
Robert Shanklin, Ward Five	
Jeffrey Patton, Ward Six	
Stanley Haywood, Ward Seven	

ABSENT: Randy Warren, Ward Eight

PRESENTATION TO LAWTON BEAUTIFUL, INC. FROM WAL-MART AND SAM S CLUB.

Mayor Purcell requested Dr. Rosemary Bellino come to the stage. He stated that Dr. Bellino has done a tremendous amount of work in the community for beautification. Colleen Longacre from the Sheridan Road Wal-Mart stated that Wal-Mart and Sam s are both leaders in the community and presented Lawton Beautiful with a check for \$1,000. Michelle Enoch from Sam s presented a check for \$500. Mike Hayes from the Westside Wal-Mart presented a check for \$1,000.

Dr. Bellino thanked Wal-Mart and Sam s for being great corporate citizens. She stated that Wal-Mart has provided supplies that were used in painting the fire hydrants.

Mayor Purcell thanked Wal-Mart and Sam s for their generous contributions.

AWARD OF COMMENDATION FOR THE LAWTON CHRISTIAN SCHOOL LEADERSHIP TEAM.

Mayor Purcell stated that as part of the beautification efforts, we have volunteers from all over town. He stated the Lawton Christian School Leadership Team volunteered to clean up Shepler Park along Gore Boulevard. He presented an award of commendation to Christine Woodson and members of the leadership team. Ms. Woodson stated it was their privilege to be good community citizens.

PRESENTATION OF EMPLOYEE OF MONTH TO MAC CHEATHAM, SANITATION WORKER IN THE SOLID WASTE COLLECTION DIVISION OF THE PUBLIC WORKS DEPARTMENT FOR THE MONTH OF OCTOBER.

Jerry Ihler, Public Works Director, presented Mac Cheatham as employee of the month for October. Mr. Cheatham has worked for the City of Lawton for seventeen years. He was nominated by his fellow employees. He is very reliable and dedicated to his job. Mayor Purcell presented a plaque, certificate of honor, two days of nonchargable leave, script money from Chamber merchants and a Mayor s Do What s Right coin.

PROCLAMATION FOR OKLAHOMA HERITAGE WEEK

Mayor Purcell proclaimed the week of November 13-19, 2005 as Oklahoma Heritage Week and encouraged citizens to reflect on their Oklahoma heritage.

PROCLAMATION FOR NATIONAL HOME CARE MONTH

Mayor Purcell presented a proclamation to Dawn Smith from Southwestern Home Health proclaiming the month of November as National Home Care Month.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF SEPTEMBER 27, 2005.

MOVED by Patton, SECOND by Givens, to approve the Minutes of September 27, 2005. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate. NAY: None. MOTION CARRIED.

CONSENT AGENDA: Mayor Purcell requested items 4, 5 and 2 be considered separately. Patton requested items 8 and 18, Vincent requested item 12, Jackson requested item 3 and Shanklin requested item 14 be considered separately.

MOVED by Shanklin, SECOND by Givens, to approve the Consent Agenda items as recommended with the exception of items 2, 3, 4, 5, 8, 12, 14 and 18. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate, Givens. NAY: None. MOTION CARRIED.

Mayor Purcell requested items 4 and 5 be considered next.

4. Consider accepting a donation of \$900.00 from the Wal-Mart Foundation to the Lawton Fire Department for the purchase of dangerous-gas detection equipment. Exhibits: None

Chief Bart Hadley, Lawton Fire Department, stated that Wal-Mart is a very good citizen of the community. He stated they appreciate all they do for the Lawton Fire Department. This is not the first grant they have given.

Mike Hayes, Westside Wal-Mart, stated this is a Safe Neighborhood Hero Grant and he is proud that Wal-Mart is able to give back to the community. He presented a check for \$900.

MOVED by Givens, SECOND by Drewry, to accept the donation of \$900 from Wal-Mart. AYE: Jackson, Shanklin, Patton, Haywood, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

5. Consider accepting a donation of \$900.00 donated by Wal-Mart West, 6301 NW Quanah Parker Trailway for Lawton Police Department Gang Task Force. Exhibits: None .

Chief Ronnie Smith, Lawton Police Department, thanked Wal-Mart for their donation and stated this is not the first time they have received this grant.

Mike Hayes, Westside Wal-Mart, presented a check for \$900.

MOVED by Givens, SECOND by Shoemate, to accept the donation of \$900 from Wal-Mart. AYE: Shanklin, Patton, Haywood, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval and consider passage of any resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Ford Roofing in the amount of \$1,928.38. Exhibits: Legal Opinion/Recommendation. **Resolution No. 05-175**

2. Consider the following damage claim recommended for denial: Joe Don & Susan McMahan in the amount of \$5,200.00

Vincent stated this is a claim for loss of grazing south of Bishop Road where a sewer line was repaired. Under the lease Mr. McMahan has with the Bureau of Indian Affairs, the lease provides that he should present any damage claims to the Bureau as we do have an easement agreement with the BIA. That is the reason for the recommendation of denial of this claim.

Joe Don McMahan, 1903 SE Bishop Road, stated this repair cost him \$5,200 in losses in his income this year. He stated he has a farming and grazing lease, and he does not care about the right of way. He received a letter stating that at no time was his perimeter fence damaged which prevented the grazing of cattle. He has pictures of five places that his perimeter fence was damaged. He furnished 16 posts because he did not like the posts the city was using to replace the damaged posts. The original spill was not as bad as the spill the city caused mile up the line. He distributed pictures to the City Council.

Shanklin questioned how Mr. McMahan arrived at \$5,200 for 52 acres when the city leases land at Lake Ellsworth

and Lake Lawtonka for \$10 and \$12 an acre.

Mr. McMahan stated this is farm land that he grows wheat and grazes cattle. The amount of money he can make off cattle on gain amount to approximately \$100 and acre a year. He submitted a letter to the City Attorney with records showing what he makes an acre.

Vincent stated staff never disputed the \$5,200 and he stands corrected on the fence if that is the issue. The issue before the Council is the lease Mr. McMahan has with the BIA which provides that he must turn his claims into the BIA and not the City of Lawton.

Mr. McMahan stated he deals with the BIA on a monthly basis with several leases. He stated his problem is not with the BIA, but with this City Council.

Haywood questioned if Mr. McMahan turns in a claim to the BIA, can they turn around and file a claim against the City of Lawton.

Vincent stated no because the City of Lawton paid the BIA for those easements and that is why the clause is in the lease that provides us the right to go in and install and fix lines. The BIA knows that there will be damage to crops when the City works in that easement. Mr. McMahan has to make his claim to the BIA.

Shanklin questioned if Mr. McMahan has been given this information.

Vincent stated that Mr. McMahan provided staff with the lease and he quoted the lease in a letter to Mr. McMahan.

Mitchell questioned if Mr. McMahan has submitted a claim to the BIA.

He stated no. The BIA is not going to give him any money back on this lease.

Shanklin stated he feels Mr. McMahan has to go back to the BIA according to the lease.

MOVED by Shanklin, SECOND by Drewry, to deny claim. AYE: Patton, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: Haywood. MOTION CARRIED.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of Raymond Lee Dye in the Workers' Compensation Court, Case No. 2004-16062L.

Exhibits: Resolution No. 05-.

Jackson questioned if the employee was able to perform his duties as a Lawton Firefighter.

Vincent stated the doctor s report indicates that he is able to perform his duties.

Jackson stated he does not understand if he is 23% disabled how he can perform at a 100% capability with a position that requires a lot of athletic ability.

Vincent stated the ratings provided by the Workers Comp court do not determine the persons physical ability to do the job. It is merely a way of compensating the persons injury.

MOVED by Jackson, SECOND by Shanklin, to adopt **Resolution No. 05-176** ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of Raymond Lee Dye in the Workers' Compensation Court, Case No. 2004-16062L. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

6. Consider accepting a donation of \$1,398.72 raised by the Citizen s Police Academy Alumni Association. Exhibits: None

7. Consider amending annual contract renewal between the City of Lawton and the County Commissioners (re: Juvenile Detention Center) by voiding previously approved contract and approving new amount for contract . Exhibits: Copies of contracts are located in the City Clerk s Office for review.

8. Consider applying the settlement from Booker Tree Service to be credited to the Neighborhood Services account #231, Professional & Technical Services. Exhibits: Report from the Internal Auditor, Release document.

Patton stated he pulled this item so that he could commend Jill Baker, Auditor, and Tony Griffith, Neighborhood Services Supervisor, for uncovering this overbilling and working diligently together to correct the situation.

MOVED by Patton, SECOND by Haywood, to apply the settlement from Booker Tree Service and credit to Neighborhood Services account #231. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate. NAY: None. MOTION CARRIED.

9. Consider issuing a revocable permit for the installation of access drives to serve the off-street parking areas on the west side of Lincoln Elementary School located at 601 SW Park Avenue. Exhibits: Application and site plan. Revocable Permit on file in City Clerk s office.

10. Consider approving the construction plat for Eastlake Addition, Part 2, subject to conditions. Exhibits: Plat Map

11. Consider adopting a resolution authorizing the Mayor and City Clerk to execute a project agreement with the Oklahoma Department of Transportation (ODOT) for a traffic signal installation and roadway modification on Roadway Project No. IMDY-0044-1(089)043ID, JP No. 20313(05) at the intersection of the southbound I-44 on-ramp (Gate 2) and Rogers Lane. Exhibits: **Resolution No. 05-177**. Project Agreement is on file in the City Clerk s office.

12. Consider accepting a permanent and a temporary easement in Summerwood Square Addition from Deloris Delluomo, and authorize the Mayor and City Clerk to execute the easements. Exhibits: Easements are on file in the City Clerk s office.

Vincent stated staff would like to split this item into two parts.

Deborah Jones, Acting Planning Director, stated she can suggest a motion to cover both issues. To achieve the acceptance of the 52 foot street and the permanent easement she would recommend the City Council take the following action: Accept a permanent and temporary easement and the 52 foot street section in Summerwood Square from Mrs. Delluomo subject to the inspection of the construction of the temporary turnaround prior to accepting any plat for the creation of a lot to be sold to OSBI and authorize the Mayor and City Clerk to execute the easements.

MOVED by Givens, SECOND by Shoemate, to accept a permanent and temporary easement and the 52 foot street section in Summerwood Square from Mrs. Delluomo subject to the inspection of the construction of the temporary turnaround prior to accepting any plat for the creation of a lot to be sold to OSBI and authorize the Mayor and City Clerk to execute the easements . AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate, Givens. NAY: None. MOTION CARRIED.

13. Consider accepting the Elmer Thomas Park Roadway Construction Project #2004-10 as constructed by T & G Construction, Inc. and placing the Maintenance Bond into effect. Exhibits: None.

14. Consider approving a contract agreement with Ice Challenge Enterprises, LLC from Oklahoma City, Oklahoma to establish a portable ice-skating rink and concession to be located on 3rd Street and B Avenue near Library Plaza. Exhibits: Agreement as specified with the RFP.

Shanklin questioned the term minimum bid of 20% yearly post tax gross profits.

Mayor Purcell stated the City will receive 20% of the gross profits after they pay taxes.

Gerald Catlett, Parks and Grounds Administrator, stated it is 20% of the ticket sales after they pay taxes.

Mayor Purcell stated they will take the total amount of ticket sales, subtract taxes and it is 20% of what is left over.

Mitchell stated they hope to set up the rink so they will open the night of the parade which is November 19th.

Patton questioned if the City is covered as far as liability.

Mayor Purcell stated yes.

MOVED by Shanklin, SECOND by Haywood, to approve the contract agreement with Ice Challenge Enterprises, LLC from Oklahoma City, Oklahoma. AYE: Jackson, Shanklin, Patton, Haywood, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

15. Consider awarding (CL06-008) Root Control to Mid-American Research Chemical, of Columbus, Nebraska. Exhibits: Abstract of bids and department recommendation.

16. Consider awarding (CL06-011) Redi-Mix Concrete, to Lawton Transit Mix, of Lawton, Oklahoma. Exhibits: Abstract of bids and department recommendation.

17. Consider awarding (CL06-012) Sewer Pipeline Video Inspection System. Exhibits: Abstract of bids and department recommendation.

18. Consider awarding (CL06-014) Ninety-five (95) Gallon Refuse Containers to Schaefer Systems International, Inc., of Charlotte, North Carolina. Exhibits: Abstract of bids and department recommendation.

Mayor Purcell stated all they are voting on tonight is to award the contract. The City Council previously voted to approve the pilot program.

Patton stated he is going to step out and move to deny awarding the contract.

MOVED by Patton to deny the contract.

Motion died due to a lack of a second.

Shanklin stated he saw an apparatus on the back of one of the compactors and questioned if these containers were going to be picked up from the rear.

Ihler stated they will be using the semi-automated trucks that have tippers on the back. They will start using this in February for a one-year period. In next years budget they will ask to purchase one fully automated truck where two arms reach out and pick up the container. Those fully automated trucks will be used in those areas that are participating in the pilot program this year. New containers will be purchased for a new pilot area next year. This program will take ten years to get the whole city into a fully automated system.

Shoemate clarified that those who currently receive house side pick up will still receive the same service.

Ihler stated that is correct.

Shoemate asked if there would be any type of demonstration for those elderly residents on how to move the containers.

Mitchell stated when they distribute the containers in January and February that would be a possibility.

Ihler stated when they delivered the containers they could have staff on hand to answer those questions.

Jackson stated he fully supports this project. We will continue to have the twice a week pick up and also continue to maintain the spring and fall clean ups. There is also the option to haul anything out to the landfill for free. He is looking forward to the project being implemented.

Mayor Purcell stated while he was in Oklahoma City he went into a neighborhood that has this program. He spoke to several residents who did not like it at first, but now have no problem with the program. There is nervousness from residents about what will happen.

Drewry stated she has received calls from constituents who are concerned that employees may lose their job.

Ihler stated they are looking at a ten year period to implement this program. For current collections, they use anywhere from 10-15 contract labor positions to fill out the current crews. Any loss of jobs will be through attrition. They lose about four positions a year in solid waste collections. No one will be losing a job as a result of going to fully automated.

MOVED by Jackson, SECOND by Givens, to approve the contract with Schaefer Systems International, Inc., of Charlotte, North Carolina. AYE: Haywood, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: Patton. MOTION CARRIED.

19. Consider approving the following contract extension: (CL05-004) Repair Clamps, Bell Joint Clamps & Steel Couplings with Water Products of Oklahoma, Inc., of Owasso, Oklahoma. Exhibits: None. (Contract, information from previous bid award and letter of staff recommendation on file in Financial Services Office).

20. Consider approving appointments to boards and commissions. Exhibits: None

21. Consider approval of payroll for the periods of September 26- October 9, 2005.

OLD BUSINESS ITEM:

22. Consider the following damage claim recommended for denial: Willie F. Russell. Exhibits: Revised Claims Memorandum/Recommendation dated October 14, 2005 and Lawton Police Department Impoundment Notification.

Vincent stated the City Council tabled this item and asked that he look into the claim. He stated staff attempted to contact Elvin Smith, who sold the car to Mr. Russell. Mr. Smith did not return any phone calls. They did find the letter in the police files that was mailed to Mr. Smith on June 23, 2005 as the registered owner of the vehicle. They also obtained the title that Mr. Russell distributed at the last meeting. The date of the actual transaction was July 29, 2005 when the title was signed over by Mr. Smith to Mr. Russell. At the time when the car was impounded, Mr. Russell was not the owner of the vehicle. The registered owner was notified which is required by statute. Staff continues to recommend denial of the claim.

Willis Floyd Russell, 502 Summit, stated he never asked the Lawton Police Department to release the car. He only asked if they could locate the car. He stated for five weeks they gave him the run around. He stated he found his car at Corley's garage.

Vincent stated the car was registered to Mr. Smith and that is the information they go by.

Shanklin questioned how long a person has to transfer the title.

Vincent stated they have thirty days from the date of purchase. The car may have been in his possession at the time it was stolen on June 11th but Mr. Russell did not get the title in his name until July 29th.

Mr. Russell stated all he wanted to know was where his car was. He said he had a title. He looked for his car for five weeks.

Shanklin questioned if Mr. Russell can prove he paid for the car.

Mr. Russell stated he has a bank draft made out to Mr. Smith.

Shanklin questioned how many days Mr. Russell has had the vehicle in his possession.

Mr. Russell stated it was the last part of June.

Shanklin questioned why he did not put the title in his name immediately.

Mr. Russell stated he had to get insurance and was then put in the hospital before he could get the title changed.

Shanklin stated he believes they owe him something.

Vincent stated they filed all this with the name of the registered owner, who was Mr. Smith. He stated the book value of the car is \$1,025.00.

MOVED by Haywood, SECOND by Shanklin, to approve **Resolution No. 05-178** approving the claim of Willie F. Russell in the amount of \$1,025.00 and all associated paperwork signed by the Mayor. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate, Givens. NAY: None. MOTION CARRIED.

23. Consider approving a resolution supporting the efforts of Fort Sill and Land Legacy to create a buffer zone around the perimeter of Fort Sill, and adopting the proposed buffer zone map. Exhibits: Resolution No. 05-___, Buffer Zone map and letter from Land Legacy.

Keegan Ledford, 3802 NE Cache Road, stated he believes that we need Fort Sill. He stated he has land on the east side which falls into the buffer zone. He questioned how good it would be to have only a half-mile strip one mile away from the base. What about the other sides. What difference will a half-mile make over a mile. He questioned what would happen with the water and sewer lines that have been put in to address future development. Is that something that Land Legacy will address, or is it just a land issue. He stated the City Council needs to realize what is at stake for some people, that is his livelihood.

Mayor Purcell stated the City Council is just about to vote the way everyone wants.

Jim McGuire, developer for property in question, stated the density in the city of Lawton is five houses per acre and he is looking at two houses per acre on this land. Out of the 100 acres, 25 are floodplain that he had planned to turn into a park. He stated with impact fees, the City of Lawton will make \$600,000 plus \$52,000 for a master meter. He supports the buffer zone, but the city government and the citizens really need to work together.

Givens stated that this resolution simply states that the City Council is supporting the plan of a buffer zone, it is not making a buffer zone.

Delores Delluomo stated she is concerned that as a landowner, they have never once heard from the city government with regards to their property being placed in anything. She has never been invited to a meeting or received a phone call. She has been in the dark about this entire process. She did not think this is right. She only heard of the meeting yesterday through the grapevine. She did not notice any minutes being taken at the meeting or no media in attendance. She is also concerned that this is called voluntary, but yet they are being threatened with no water. She stated they are sitting on valuable property in a prime development area and Land Legacy is telling them it may be years before there is any funding.

Mitchell stated this discussion has been going on for two years and the Lawton Constitution has done a good job reporting on what they are trying to do and the whole BRAC process. He would disagree that there was no public notice. In fact he talked with Mrs. Delluomo yesterday and invited her to the meeting. He stated they have been open in their discussions and there has been plenty of public notice.

Mayor Purcell stated the City Council has listened to these concerns and is doing exactly what the landowners want.

Vincent stated the resolution does not create buffer zones, it just says that the City Council will support Land Legacy in securing the easements.

MOVED by Givens, SECOND by Jackson to approve **Resolution No. 05-179** with the provision that the last paragraph relating to the sale of water be deleted. AYE: Jackson, Patton, Haywood, Shoemate, Givens, Drewry. NAY: Shanklin. MOTION CARRIED.

24. Continue the public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/Low Density to Commercial and an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning

classification located at 1702 - 1706 NW Ferris Avenue. Exhibits: Agenda item commentary of October 11, 2005 with exhibits.

Mayor Purcell stated at the last meeting the City Council voted to continue the public hearing so that the applicant could be here to speak.

Mike Brown, Michael Anthony Properties, stated he requested the rezoning.

Jackson questioned what was the recommendation that he would like to put on the property.

Mr. Brown stated they are requesting C-1 zoning. He stated there is currently C-1 zoning to the North and the West and an area of Professional/Office which his company has developed. The reason for the request for C-1 zoning is there are some specific uses that they would like to put on that property.

Jackson questioned if he already had clients.

Mr. Brown stated they are working with a beauty shop and others. They are not trying to put in a convenience store which has been rumored. He stated this area is in transition and he has made a request that the Ferris corridor be treated as such in the land use plan. He is going to try to develop the area in a professional way.

Mayor Purcell stated that there is a recommendation from the Planning Commission to deny this request.

Mr. Brown stated he has spoken with all the Council members regarding this recommendation.

CONTINUE PUBLIC HEARING. No one appeared to speak and the public hearing was closed.

Shoemate questioned why the Planning Commission made this recommendation.

Debra Jones, Acting Planning Director, stated there were two owners who objected to the commercial zoning and the Planning Commission expressed some fears that they had numerous complaints of C-1 zoning adjacent to single family detached residential. The professional office district is normally the most acceptable district next to single family residential.

Mayor Purcell stated that this appears that maybe they should consider rezoning all of Ferris to C-1 or the appropriate zoning district. This issue keeps coming up.

Shanklin stated if they do this they also need to rezone Sheridan Road, Cache and Gore.

Givens stated they also need to address this issue in the next land use plan.

MOVED by Jackson, SECOND by Drewry, to approve **Resolution No. 05-180** and **Ordinance No. 05-84**, waive the reading of the ordinance, read the title only. AYE: Shanklin, Patton, Haywood, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-84

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to C-1 (Local Commercial District) zoning classification on the tract of land located at 1702-1706 NW Ferris Avenue as more particularly described in the ordinance; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

NEW BUSINESS ITEMS:

25. Hold public hearings and adopt resolutions declaring all structures (except the structure in the parking lot of 1202 SW Gore Boulevard occupied by Domino s Pizza) located in the following legal descriptions: Lots 1-24, Block 2, Butler Addition, to the City of Lawton, Comanche County, Oklahoma according to the plat thereof (1202 W Gore Blvd) and Lots 1-6 and Lots 23-28, Block 3, Butler Addition, to the City of Lawton, Comanche County, Oklahoma (1-9 & 17-31 SW 13th Street) to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Resolution No 05-____; Summary documents with supporting photos. Reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Tony Griffith, Neighborhood Services Supervisor, presented photographs of the property. He stated the structures are located in a series of lots also known as Midtown Square. The property is vacant and is unsanitary and creating a blight on the community. There are loose concrete tiles on the front of the building which present a safety and health danger to pedestrian traffic. There are shrubs growing out of the top of the roof. The building is leaking and there is signs of mold and mildew. One of the buildings have been without utilities for some time. He has had several complaints from residents within the area regarding nomads and crime in the area.

PUBLIC HEARING OPEN.

John Zelbst, attorney for Bob and Deloris Mansell, the property owners, stated the property is a considerable source of revenue because the property taxes are paid the Mansells every year. He stated they are trapped in a vicious cycle with the property. Mr. Mansell has had about 15-20 potential tenants come and look at the property. Once they find out the property is on the D&D list, they are not interested. Mr. Mansell has expressed that he wants to resolve this problem and work with the city on a feasible plan. He stated there has been work done on the property. He has requested the Council continue the hearing for sixty days and then he will report back with his progress. He stated it is very expensive to upgrade the property when there are no tenants. It is unfair to demand that the property be fixed when there is a disagreement on how it is to be fixed. He assured the City Council that the Mansells would like to have this property rented. They would like to see this continued so they can get with staff to develop a game plan.

Mayor Purcell stated the property taxes go to Comanche County and the city does not benefit. The property has not been on the D&D list for the last year or year and a half. There has been plenty of opportunity for something to have been done with the property. He stated he personally gets two to three phone calls a week on this particular property. If this resolution passes, Mr. Mansell has time to get a permit and bring it up to code or tear it down.

Mr. Zelbst stated that he and his client would like to provide input on developing a plan for what exactly needs to be done to resolve the problem. He would like some clarification on the time frame in bringing this property up to standard.

Vincent stated Mr. Mansell would have thirty days to pull a remodel permit. There is a substantial compliance requirement for an additional thirty days and then he can apply to the City Council for an extension.

Mr. Zelbst stated he is assuming that it would be a substantial step if they could solve the problems on the outside first, then they can start working on the inside.

Vincent stated that would be the City Council s call on whether or not that would meet substantial compliance.

Mr. Zelbst stated he would request that the City Council continue this item and direct staff to get with he and Mr. Mansell and set up a game plan and come back in sixty days and see if they can accomplish what is agreed upon. He promised that he will be back in sixty days to determine if the work has been done.

Shoemate stated he has had more complaints on the property owned by the Mansells. The list is endless. He stated Mr. Mansell needs to get some of this property into compliance as soon as possible.

Tony Cappuccio, President of the Lawton Board of Realtors, stated his organization supports the city's efforts to tackle the dilapidated properties. He stated it is not only important in the residential areas, but it is critical in the commercial areas along the major highways and roads in the city. Many of these properties have been neglected for years and are a major eyesore for the city.

Bob Mansell, property owner, stated he does not have a problem with Mr. Griffith's list of what needs to be done to the property. He stated this has been going on for about two years. He was not aware that there was no condemnation or D&D prior to today. He stated it was in the paper. If he was never on the D&D list, then there should be no problem exempting him so he can realistically finish his property. He stated he gets along well with Mr. Griffith. People will come in and want to rent and he has to tell them that the city has a problem with the building.

Mayor Purcell stated that the building in question has never been declared dilapidated. There have been several actions to get it done voluntarily, but they have never succeeded.

Mr. Mansell stated the Mayor and City Manager never return his phone calls and he has no one to discuss the problem with except for Neighborhood Services staff.

Mayor Purcell stated he has never received a phone call regarding this piece of property.

Mr. Mansell stated he called right after the Mayor was elected.

Mayor Purcell stated he spoke Mr. Mansell, but not about this issue.

Jackson stated he checked with the City Attorney and was assured there was no D&D and no orders taken by this City Council previously on this property.

Mayor Purcell stated that Mr. Mansell would have received a letter from the City stating he is on the D&D list.

Mr. Zelbst stated that Mr. Mansell is concerned that if he addresses all the violations listed, is there any kind of assurance that this will be the end of the issue.

Givens stated that Mr. Mansell did have some property come before the City Council and they had the same song and dance as with this property. He did comply with the violations and the property was taken off the D&D list. All Mr. Mansell has to do is show some good faith effort in doing anything to all of his property all over town and the Council will be reasonable. But he must be forced to take care of these problems.

Vincent stated the previous City Council directed staff to prepare a list of commercial properties that might be considered for D&D. He stated one of those properties was the 425 Club on Sheridan Road. At the time he discussed the 425 Club with Mr. Mansell, he advised Mr. Mansell that the shopping center on West Gore was going to be considered by Council. That was over a year ago. But no time until today has the Council considered placing Mr. Mansell's property on the D&D list other than the list of commercial properties that staff was instructed to prepare.

Jackson stated that there is a consensus from the City Council that they are willing to work with Mr. Mansell and they regularly do take properties off the D&D list if there is a concerted effort and progress has been made on the property.

Mr. Zelbst stated he is confident that there will be progress made on this property and he will help Mr. Mansell get a plan together to deal with all of his properties.

Patton stated in light of Mr. Zelbst becoming involved, the City Council does not want to tear any property down, they want to see people in those buildings.

PUBLIC HEARING CLOSED.

MOVED by Patton, SECOND by Drewry, to table for sixty days. AYE: Patton, Haywood, Drewry, Jackson. NAY: Shoemate, Givens. ABSTAIN: Shanklin. MOTION CARRIED.

26. Hold a public hearing and consider an ordinance annexing approximately 5 acres of land into the corporate city limits located in part of the Southwest Quarter of Section 23, Township 2 North, Range 11 West, I.M., Comanche County, Oklahoma, approve the service plan, and declaring an emergency. Exhibits:

Vincent stated at the last meeting the City Council annexed an area commonly known as Quail Run which surrounds this tract of land on three sides. Staff recommends approving the ordinance which will annex this area so they have the complete 160 acres.

PUBLIC HEARING OPENED.

John Scantlin, 5006 NE Cache Road, stated he is the property owner and questioned how he would be affected.

Vincent stated it means he will have fire and police protection and the water rate will go down. Taxes may go up slightly after a period of time. Basically this will provide the property owner with more city services.

Mr. Scantlin questioned when the changes would be effective.

Vincent stated this is an emergency ordinance and will be effective immediately.

Mr. Scantlin stated he has no objections to the annexation

PUBLIC HEARING CLOSED.

MOVED by Jackson, SECOND by Drewry, to adopt **Ordinance No. 05-85**, waive the reading of the ordinance and read the title only, approve the service plan, and declare an emergency. AYE:

Haywood, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-85

An ordinance providing for the attachment of a certain parcel of land into the city of Lawton, Comanche County, Oklahoma, classifying said territory as Temporary A-2 (Suburban District) zoning classification for a period not exceeding one (1) year, and declaring an emergency.

27. Consider an ordinance amending Section 16-3-1-301, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 1995, by establishing a fine for any individual convicted of pumping gasoline or diesel fuel into the fuel tank of a vehicle and leaving the premises without paying, providing for severability, declaring an emergency and establishing an effective date of November 1, 2005. Exhibits: Ordinance No. 05-____.

Vincent stated the state statute which provided for this was passed last year. This year the fine was raised to \$500 by state statute which corresponds with our petty larceny fine and also gave the ability upon conviction for the city to report to the Department of Public Safety for revocation of the drivers license. This will go into effect on November 1st of this year.

MOVED by Patton, SECOND by Shanklin, to adopt **Ordinance No. 05-86**, waive the reading of the ordinance and read the title only, declare an emergency and establish an effective date of November 1, 2005. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-86

An ordinance pertaining to petit larceny amending Section 16-3-1-301, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 1995, by including pumping gasoline or diesel fuel and leaving without paying, establishing the fine for gasoline pump thievery, providing for severability, declare an emergency and provide an effective date of November 1, 2005.

28. Consider authorizing the City Manager to review and accept the content of a proposed high-impact, quality pamphlet for the Phase III-Fort Sill 2050 plan to be produced by MPRI. Exhibits: Letter dated August 2, 2005 from MPRI to Dana Davis and letter dated August 18, 2005 from MPRI to Larry Mitchell.

Mitchell stated there was an application submitted to CCIDA by MPRI to produce a pamphlet. The grant was approved with one condition that the City Council supported the idea of marketing Phase III of Fort Sill s 2050 plan. He is asking for that support and the ability to review the final text before the pamphlet is published.

MOVED by Drewry, SECOND by Haywood, to authorize the City Manager to review and accept the content of a proposed high-impact, quality pamphlet for the Phase III-Fort Sill 2050 plan to be produced by MPRI. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate, Givens. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood acknowledged that Rosa Parks passed away yesterday. He also acknowledged the passing of Ms. Marie Bryant at the age of 90 years old.

Shanklin questioned if the city was putting in sidewalks on 38th Street between Rogers Lane and Cache Road.

Ihler stated yes as part of the 38th Street project. From Cache Road North to Lincoln on the West side and on the East side to the last apartment complex.

Jackson stated he is concerned about that the price of gas in Oklahoma City is currently \$2.09 while the price in Lawton is \$2.33. He stated this is unfair, and the citizens of Lawton are getting taken advantage of.

Mayor Purcell stated he is telling everyone that has called him to call the Attorney General's office or the District Attorney's office and register a complaint. They are the only ones who have the power to investigate.

Shoemate stated that last Wednesday he was able to fill in for his pastor at the evening service. His niece Ashley Nix was voted as the student body president at John Adams.

COL Uberti stated last week he attended an education summit in Washington D.C. with the school superintendent and the president of the school board which focused on the sixteen installations that were most effected by the BRAC recommendations. Lawton Public School district was one of the nine charter signatories to the memorandum of agreement to help transitioning military children. That MOU now has over 150 signatories. Tomorrow a transition specialist from the Southwest Regional in San Antonio will be in town to talk with the superintendents about the practices that the MOU encourages school districts across the nation to implement. It is good sound school and community practices for all children.

Mayor Purcell stated he attended a Centennial Commission meeting last week in Stillwater and stated the Commission keeps approving projects which total \$35 million, but there is no money available until the legislature appropriates funding. He stated he and the City Manager are meeting with Senator Don Barrington and Barry Beauchamp on Friday to talk about the problem with centennial funding. Lawton has two projects approved by the Centennial Commission. We met the criteria of raising matching funds totaling \$7 million. He stated all of the legislators from this community are supporting these projects and are doing what they can.

Mayor Purcell stated there is a welcome home ceremony tomorrow at 2:30 p.m. and a departure ceremony at 4:00 p.m. He encouraged everyone to attend. He stated the funeral for former Police Chief Gillian will be held Thursday morning at 10:00 a.m. at First Baptist Church.

Mitchell distributed two articles concerning hotel/motel tax and the enhanced 911 vote on December 13th. He hoped the City Council would encourage voters of Comanche County to vote for the cell phone charge which will help with the E-911 programs. He stated staff had a walk through at Old Central Junior High. It doesn't look like much is going on from the outside, but there is a lot of internal demolition. The architect said the plans for phase I will be completed in approximately 90 days.

The Mayor and Council convened in executive session at 8:54 p.m. and reconvened in regular, open session at 9:07 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

29. Pursuant to Title 51, Oklahoma Statutes, Section 307B(4) consider convening in executive session to discuss the pending tort claim of Jessie T. Robinson, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of item 29 shown above. He said the Council did receive a briefing on the claim. No action is required.

Vincent reported to the Council that on November 17th the Oklahoma Municipal League and the Oklahoma Municipal Utilities Provider will host a water conference. He stated he is a presenter in the afternoon session. He provided information to the City Council.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 9:08 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

ADJOURNMENT